

FINDING OF EMERGENCY

The Secretary of the Department of Food and Agriculture finds that an emergency exists, and that the foregoing regulation is necessary for the immediate preservation of the public peace, health and safety, or general welfare.

Specific Facts Showing the Need for Immediate Action

Guava fruit fly (*Bactrocera correcta*) is an insect pest which attacks the fruit of various plants including citrus, guava, mango, peach, and jujube. The female punctures host fruit to lay eggs which develop into larvae. The punctures admit decay organisms that may cause tissue breakdown. Larval feeding causes breakdown of fruit tissue. Fruits with egg punctures and larval feeding are generally unfit for human consumption. Pupae may be found in fruit, but normally are found in soil.

An adult *Bactrocera correcta* was recently trapped in the county of Alameda. One adult male guava fruit fly was taken from a trap on September 25, 2006 in the Oakland area of Alameda County. The detection of an adult guava fruit fly meet the State's and national and international standards that mandate intensive delimitation efforts to determine if an incipient infestation of the fly exists in the Oakland area of Alameda County.

The guava fruit fly is a methyl eugenol attracted fruit fly. This amendment will provide authority for the State to perform specific detection, control and eradication activities against the guava fruit fly in Alameda County. This authority includes, "The searching for all stages of the fly by visual inspection, the use of traps, or any other means." It is immediately necessary to perform these activities within the Oakland area of Alameda County. To prevent spread of the fly to noninfested areas to protect California's agricultural industry and urban environment, if necessary, treatment activities against the fly would have to begin upon the detection of a second life stage of the fly within three miles and within one life cycle. The United States Department of Agriculture's Animal and Plant Health Inspection Service also accepts this standard as the trigger for an eradication response. The Food and Agriculture Organization of the United Nations has a similar international standard established. After the eradication trigger is met, treatments are to begin within 24-72 hours. However, "The searching for all stages of the fly by visual

inspection, the use of traps, or any other means” must begin immediately to determine if there is an incipient infestation in Alameda County. Therefore, it is necessary to amend Section 3591.13(a) on an emergency basis.

If the fly were allowed to spread and become established in host fruit production areas, California's agricultural industry would suffer losses due to decreased production of marketable fruit, increased pesticide use, and loss of markets if other states or countries enacted quarantines against California products.

The entire county of Alameda is proposed as an eradication area because it is the political division which provides the most workable eradication area boundary for exterminating an established guava fruit fly infestation. Fruit which may have already been moved from the infested area to other portions of the counties and flies which may have already spread naturally from the infested area may have already resulted in small infestations outside the known possibly infested area. To enable detection activities and any necessary rapid treatment of additional small infestations without frequent amendment of the regulation, the entire county should be established as an eradication area.

This regulation will provide specific authority for the State to perform control and eradication activities against *Bactrocera correcta* in Alameda County. To prevent spread of the fly to noninfested areas to protect California's agricultural industry, it is necessary to immediately begin treatment activities against the fly. Therefore, it is necessary to amend this regulation as an emergency action.

Authority and Reference Citations

Authority: Sections 407 and 5322, Food and Agricultural Code.

Reference: Sections 5761, 5762, 5763, and 5764, Food and Agricultural Code.

Informative Digest

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law provides that the Secretary may establish, maintain, and enforce eradication regulations as he deems necessary to circumscribe and

exterminate or prevent the spread of pests. The eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, and the means and methods which may be used in the eradication of said pest.

Section 3591.13(a), Guava Fruit Fly Eradication Area.

This amendment of Section 3591.13(a) will establish Alameda County as an eradication area for *Bactrocera correcta*. The effect of the amendment is to provide specific authority for the State to perform control and eradication activities against guava fruit fly in Alameda County to prevent spread of the fly to noninfested areas to protect California's agricultural industry.

Mandate on Local Agencies or School Districts

The Department of Food and Agriculture has determined that this regulation does not impose a mandate on local agencies or school districts.

Cost Estimate

The Department also has determined that the regulation will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, and no costs or savings in federal funding to the State.